IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 3594 of 2005

Between:

M.A.Jateel, Conductor, E.89676, S/o M.A.Aziz, aged about 54 years, R/o Anantsagar (V) & (P), Narayankhed (M), Medak District.

..... PETITIONER

AND

1. The Divisional Manager, APSRTC, Medak Division, Medak District.
2. The Depot Manager, APSRTC, Narayankhed Bus Depot, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the Proceeding No.02/95(29)/99-NKD, dated 14.12.1999 as illegal, arbitrary and unjust and consequently set aside the proceedings in Proceeding No.02/95(29)/99-NKD, dated 14.12.1999 issued by the 2nd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

Challenging the order dated 14.12.1999 imposing major penalty of deferment of annual increment for a period of one year passed by the 2nd respondent, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

It is not in dispute that a major penalty cannot be imposed unless it is preceded by a departmental enquiry. Admittedly, in this case, no departmental enquiry was conducted before passing impugned order. Hence, the impugned order suffers from legal infirmity.

In that view of the matter, the impugned order is set aside. However, this order shall not preclude the respondent-Corporation in taking disciplinary action in accordance with law.

The writ petition is accordingly disposed of. No costs.

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25.02.2005

VGB

To

1. The Divisional Manager, APSRTC, Medak Division, Medak District.
2. The Depot Manager, APSRTC, Narayankhed Bus Depot, Medak District.
3. 2CD copies